

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claims 1, 6 and 11 have been amended to more clearly recite the distinguishing feature of the present invention whereby the communication device (or terminal) comprises detecting means for detecting a current position of the communication device (or terminal), and transmission means for attaching information corresponding to the current position detected by the detecting means to the electronic mail and transmitting the electronic mail with the information attached thereto.

It is respectfully submitted that the insertion of the phrase "detected by the detecting means" in each of claims 1, 6 and 11 makes it clear that the "information indicating the current position" (which is attached to the electronic mail by the transmission means) is the same (variable) information that is detected by the claimed "detecting means".

In addition, claims 1, 6, 7 and 11 have been amended to correct some minor antecedent basis problems and to make some minor grammatical improvements.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

It is respectfully submitted, moreover, that the amendments to the claims are not related to patentability, and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

THE PRIOR ART REJECTION

Claims 1-3, 5, 10 and 15 were rejected under 35 USC 102 as being anticipated by Garfinkle (USP 6,370,568), claims 6-8 and 11-13 were rejected under 35 USC 103 as being obvious in view of Garfinkle, and claims 4, 9 and 14 were rejected under 35 USC 103 as being obvious in view of the combination of Garfinkle and Ausems et al (USP 6,434,403). These rejections, however, are respectfully traversed.

According to the present invention as recited in each of amended independent claims 1, 6 and 11, a communication device (or terminal) is provided which comprises mail creation means for creating an electronic mail, detecting means for detecting a current position of the communication device (or terminal), and transmission means for attaching information corresponding to the current position detected by the detecting means to the electronic mail and transmitting the electronic mail with the information attached thereto.

On page 2 of the Office Action, the Examiner asserts that Garfinkle discloses means for detecting the current position of a communication device at column 1, lines 33-40. This portion of

Garfinkle, however, merely discloses that "a digital postcard can be taken in front of an individual in front of a well known landmark, preferably immediately downloaded to a computer, customized with personalized text, and then electronically mailed to another individual." More specifically, as disclosed in column 3, lines 24-35 of Garfinkle, a photo merge process merges a digital image of raw photo data 103 with a postcard template 105 which preferably overlays text over the digital image 103, wherein the digital image 103 preferably indicates a geographical location or landmark where the image was taken.

Accordingly, it is respectfully submitted that Garfinkle merely discloses a process for e-mailing an electronic picture (postcard) which indicates a geographical location or landmark corresponding to a current position. And it is respectfully submitted that the above described disclosure in Garfinkle does not at all correspond to the detecting means for detecting a current position of the communication device (or terminal) as recited in amended independent claims 1, 6 and 11.

In other words, it is respectfully submitted that Garfinkle fails to disclose, teach or suggest actively detecting a current position as according to the claimed present invention. Indeed, there is no current position detecting means in Garfinkle.

Also on page 2 of the Office Action, the Examiner asserts that Garfinkle discloses transmission means for attaching information corresponding to the current position to electronic

mail and transmitting the electronic mail with the information attached thereto at column 1, lines 33- 40 and column 2, lines 21-29 and 45-66. It is respectfully submitted, however, that Garfinkle merely teaches that a digital postcard is placed in postcard format and electronically mailed to another individual. As disclosed in Garfinkle, the processor may attach a geographical indication to the digital image which would specify where the digital image was taken, but it is respectfully submitted that this disclosure does not correspond to the transmission means of the claimed present invention as recited in amended independent claims 1, 6 and 11 which attaches information corresponding to the current position detected by the detecting means to the electronic mail and transmits the electronic mail with the information attached thereto.

Ausems et al, moreover, has merely been cited for the disclosure therein of a read-only memory.

In view of the foregoing, it is respectfully submitted that Garfinkle does not at all disclose, teach, or suggest the claimed current position detecting means and transmission means of the present invention as recited in amended independent claims 1, 6 and 11, and that these claims as well as each of claims 2-5, 7-10 and 12-15 respectively depending therefrom all patentably distinguish over the teachings of Garfinkle, taken singly or in combination with Ausems et al, under 35 USC 102 as well as under 35 USC 103.

RE: PRIORITY CLAIM

In the Office Action Summary of the Office Action dated January 2, 2003, the Examiner apparently inadvertently failed to complete the acknowledgment of receipt of the certified priority document. The Examiner should have also checked off Box 13(a)(1). It is requested that the Examiner acknowledge receipt of the certified priority document in the next Patent Office communication.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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